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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,365	04/19/2001	Herman Rodriquez	AUS920010086US1	9239
35525	7590	04/20/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			BURGE, LONDRA C	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/838,365	<b>Applicant(s)</b> RODRIQUEZ ET AL.	
	<b>Examiner</b> Londra C Burge	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This action is responsive to communications: Amendment filed 11/26/2004.
2. Claims 1-18 are pending. Claims 1, 11, 15, 16, 17 and 18 are independent claims.
3. The Original Rejection has been withdrawn as necessitated by the amendment and new art has been presented for new grounds of rejections.
4. This action has been made Final.

### *Claim Rejections - 35 USC § 103*

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Scott et al. (herein after Scott) U.S. Patent Pub No. 2002/0000998 A1 filed 1/5/1998, in view of Blumberg U.S. Patent No 6,708,309 B1 filed 3/11/1999.**

**In regard to independent claim 1, Scott discloses *identifying an initial image to be displayed ...; providing alternate images ...; wherein the alternate images differ from the initial image in size and resolution* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11); *displaying the initial image* (Scott Para 0041 and Fig 4); *providing a selector for accessing the alternate images; and responsive to receiving user selection input, replacing the initial image with an alternate image...* (Scott Para 0096)**

Scott does not specifically mention the process involves an *electronic document*. However, Blumberg mentions that the images can be embedded within a scalable electronic document (Blumberg Col 2 Lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of embedded the different sized images into a scalable electronic document to ensure the correct formatting of the document after the image is embedded.

Scott does not specifically disclose *further comprising wherein reformatting the electronic document*. However, Blumberg shows text that is resized along with the image (Blumberg Figures 4A-4C). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of resizing the text with the image to keep the document neat.

**In regard to dependent claim 2**, Scott discloses *wherein the alternate images are cached in memory*. (Scott Para 0130 cache in memory)

**In regard to dependent claim 3**, Scott does not specifically disclose *wherein the alternate images are stored on a server*. However, Blumberg shows images stored in a server (Blumberg Figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of storing the images in a server so the user can request the images from the server.

Scott does not specifically disclose *of at least one of the alternate images is automatically downloaded from the server concurrent with the displaying step*. However, Blumberg mentions that other images are downloaded and can substitute the initial screen image (Blumberg Col 18 Lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Blumberg to Scott, providing Scott the benefit of downloading alternate sized images to display rather than the original image to better organize the way the document is displayed.

**In regard to dependent claim 4, In regard to independent claim 1,** Scott discloses *identifying an initial image to be displayed ...; providing alternate images of the initial image ...; wherein the alternate images differ from the initial image in size and resolution, and wherein the alternate images are different-sized versions of the initial image* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11); *displaying the initial image* (Scott Para 0041 and Fig 4); *providing a selector for accessing the alternate images; and responsive to receiving user selection input, replacing the initial image with an alternate image.* (Scott Para 0096)

Scott does not specifically mention the process involves an *electronic document*. However, Blumberg mentions that the images can be embedded within a scalable electronic document (Blumberg Col 2 Lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of embedded the different sized images into a scalable electronic document to ensure the correct formatting of the document after the image is embedded.

Scott discloses *further comprising having an alternate image attribute; wherein the alternate image attribute specifies the alternate image* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11).

Scott does not mention a *HTML/XML image tag*. However, Blumberg mentions an HTML format (Blumberg Col 6 Lines 1-20). It would have been obvious to one of ordinary skill

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in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of redefining an HTML image tag which is important for images located on a website.

**In regard to dependent claim 5**, Scott does not specifically disclose *further comprising wherein reformatting the electronic document comprises reflowing text around the alternate image in the electronic document to accommodate changes in image size*. However, Blumberg shows text that is resized along with the image (Blumberg Figures 4A-4C). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of resizing the text with the image to keep the document neat.

**In regard to dependent claim 6**, Scott discloses *wherein the size of the initial image is preset by the user*. (Scott Para 0076)

**In regard to dependent claim 7**, Scott discloses *wherein image resolution adjusts automatically with changes in image size*. (Scott Para 0072)

**In regard to dependent claim 8**, Scott discloses *wherein the selector comprises indicators displayed on the image*. (Scott Para 0076)

**In regard to dependent claim 9**, Scott discloses *wherein the image itself provides access to alternate clicking on images*. (Scott Para 0076)

**In regard to dependent claim 10**, Scott discloses *wherein the electronic document may be used within browser, word processing, and desktop publishing applications*. (Scott Para 0094 and 0133)

**In regard to independent claim 11**, Scott discloses *receiving a display of an initial image ...; selecting an alternate image from a plurality of alternate images by means of a selector, wherein the alternate images are explicitly referenced ...* (Scott Para 0076 Para 0138-

0139 and Figures 4, 5A, 8, 9, 10 and 11); *and receiving a display of the alternate image in place of the initial image in the electronic document, wherein the alternate image differs from the initial image in size and resolution.* (Scott Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11)

Scott does not specifically mention the process involves an *electronic document*. However, Blumberg mentions that the images can be embedded within a scalable electronic document (Blumberg Col 2 Lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of embedded the different sized images into a scalable electronic document to ensure the correct formatting of the document after the image is embedded.

**In regard to dependent claim 12,** Scott discloses *wherein the alternate images are explicitly references in the electronic document by an image tag contained within the electronic document.* (Scott Para 0076 Para 0138-0139 and Figures 4, 5A, 8, 9, 10 and 11)

**In regard to dependent claim 13,** Scott does not specifically disclose *wherein the step of selecting alternate images further comprises clicking on indicators displayed on a corner of the image.* However, Blumberg mentions clicking on an image, which could be clicked in the corner (Blumberg Col 14 Lines 33-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blumberg to Scott, providing Scott the benefit of click on the images anywhere including a corner to adjust the size and resolution of the image as taught by Blumberg Col 14 Lines 33-52.

**In regard to dependent claim 14,** Scott discloses *wherein the step of selecting alternate images further comprises cycling through alternate images by clicking on the images.* (Scott Para 0076)

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**In regard to independent claims 15 and 17**, claims 15 and 17 in addition to following reflect similar subject matter claimed in claim 1 and is rejected along the same rationale.

Instructions (Scott Para 0181) and Apparatus (Scott page 19 Claim 28)

**In regard to independent claims 16 and 18**, claims 16 and 18 in addition to following reflect similar subject matter claimed in claim 11 and is rejected along the same rationale.

Instructions (Scott Para 0181) and Apparatus (Scott page 19 Claim 28)

### ***Response to Arguments***

7. **Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.**

The applicant argues that the cited reference does not teach the step of “responsive to receiving user selection input, replacing initial image with and alternate image and reformatting the electronic document”(Page 7 Para 5 and Page 8 Para 1). However, Blumberg Figures 4A-4C show where the text around the image is reformatted to accommodate the images change in size.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is (571) 272-4122. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCB  
4/15/2005

  
**CESAR PAULA**  
**PRIMARY EXAMINER**